

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERRILYNN SANDERS,

Plaintiff,

vs.

Case No. 22-

HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY,

Defendant,

DONALD W. BUSTA, JR. (P67544)
Attorney for Plaintiff
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PLAINTIFF'S COMPLAINT

NOW COMES Plaintiff, JERRILYNN SANDERS, by and through her attorneys, DONALD W. BUSTA, JR, and LEVINE BENJAMIN, P.C., and for her Complaint against Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY states as follows:

1. At all times, relevant hereto, Plaintiff, JERRILYNN SANDERS, is a resident of the Village of Clarkston, County of Oakland and State of Michigan.
2. At all times, relevant hereto, Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY, is a foreign insurance corporation in good standing and continuously conducting business throughout the State of Michigan.

3. At all times, relevant hereto, Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY, was compensated for and provided Long-Term Disability coverage pursuant to the terms of a group employee benefits plan provided for the benefit of Plaintiff, JERRILYNN SANDERS, and other employees, by their employer.

4. The Long-Term Disability insurance policy issued by Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY, is a group employee benefit plan covered by and within the meaning of the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1001 et seq.

5. The terms of said contract of insurance obligated Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY, to provide Plaintiff, JERRILYNN SANDERS with Long-Term Disability Benefits, in the event that Plaintiff was rendered unable to work due to injury, disease or other medical condition.

6. That Plaintiff, JERRILYNN SANDERS, suffers from fibromyalgia, morbid obesity (5-9, 335 pounds), arthritis, migraine headaches, obstructive sleep apnea, bilateral carpal tunnel syndrome, generalized anxiety disorder and major depressive disorder. As a result, Plaintiff's conditions have made it impossible for her to work.

7. Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY, has wrongfully terminated Plaintiff's Long-Term Disability Benefits.

8. Defendant's termination of benefits was arbitrary and capricious and was contrary to medical and other evidence that overwhelmingly supports

Plaintiff's claim of total and permanent disability. Defendant's refusal to pay Plaintiff's benefits therefore amounts to a breach of the contract for insurance.

9. Plaintiff, JERRILYNN SANDERS, has exhausted all required appeals and/or reconsideration processes provided by Defendant; nevertheless, Defendant refuses to resume payment of benefits rightfully due and owing to Plaintiff.

10. Plaintiff, JERRILYNN SANDERS, is a person empowered to bring a civil action under 29 U.S.C. § 1132(a)(1)(B) to force the Defendant to comply with the Act and pay Long-Term Disability Benefits to Plaintiff.

11. 29 U.S.C. § 1132(a)(1)(B) reads as follows:

(a) Persons Empowered to Bring a Civil Action
A civil action may be brought –

(1) by a participant or beneficiary –

(B) to recover benefits due to her under the terms of the plan, to enforce her rights under the terms of the plan, or to clarify her rights to future benefits under the terms of the plan[.]

12. As a result of Defendant's wrongful termination of Long-Term Disability Benefits, Plaintiff, JERRILYNN SANDERS, has sustained the following damages, including, but not limited to:

(a) Loss of past, present and future income in the form of wage loss compensation benefits;

WHEREFORE, Plaintiff, JERRILYNN SANDERS, prays for Judgment in her favor and against the Defendant, HARTFORD LIFE AND ACCIDENT

INSURANCE COMPANY, in whatever amount she is found to be entitled, in addition to costs, interest and attorney fees.

Respectfully submitted,

LEVINE BENJAMIN, P.C.

/s/ DONALD W. BUSTA, JR

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Dated: March 23, 2022